

JOHN F. BROWN

IBLA 75-597

Decided September 26, 1975

Appeal from the decision of the Eastern States Office, Bureau of Land Management, rejecting noncompetitive oil and gas lease offer ES 13266 because the lands were unavailable for leasing.

Affirmed.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases:  
Lands Subject to

Land included within an outstanding oil and gas lease is not available for leasing and an application filed for such land must be rejected.

2. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases:  
Lands Subject to

Land, formerly in a canceled, relinquished, terminated, or expired lease, is not subject to over-the-counter filing, and may be leased only in compliance with the drawing procedure established by 43 CFR 3112.

3. Administrative Authority: Generally -- Administrative Authority:  
Estoppel -- Federal Employees and Officers: Authority to Bind  
Government

Reliance upon erroneous or incomplete information provided by Bureau of Land Management employees cannot create any rights nor authorized by law.

APPEARANCES: John F. Brown, pro se.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

John F. Brown appeals from the May 19, 1975, decision by the Eastern States Office, Bureau of Land Management, rejecting his noncompetitive oil and gas lease offer ES 13266 because the lands were unavailable for leasing.

On appeal, appellant states:

When this offer was filed, January 10, 1974, the lands in question were checked with Eastern States record books, in Eastern States office with the help of the Eastern States Land Office personnel; and according to my notes, reflected [sic] the lease had expired, either by failure to pay rentals or by its primary term.

In view of the fact, this is the best information we had to go on, and the money was put up, I do not feel I should be denied any of my rights for the inefficiencies of Eastern States office personnel. This is true especially in view of the fact that I have constantly complained, and requested, to various people, Mr. Lowell Uday and Mr. John Kyle in particular, that competent people be hired to operate the Eastern States Land Office.

Appellant's offer of January 10, 1975, covered two separate parcels of land. One parcel is included in oil and gas lease ES 087 issued effective October 1, 1965; the other parcel had been included in oil and gas lease BLM 079829, which expired October 31, 1974, but which had not been posted as available for the filing of simultaneous offers when the appellant filed his offer. 1/

[1, 2] The decision below correctly rejected the appellant's offer because each parcel for which the appellant applied was unavailable for leasing. Land included within an outstanding oil and gas lease is not available for leasing and an application filed for such land must be rejected. Frances M. Kanowsky, 10 IBLA 358 (1973); Joseph C. Manga, 9 IBLA 319 (1973); Bertil A. Granberg, 7 IBLA 162 (1972). The parcel for which a lease had expired has not been posted as available for simultaneous offers. Land, formerly in canceled, relinquished, terminated, or expired leases, is

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1/ This parcel has since been posted for simultaneous offers and a drawing was held in May 1975.

not subject to "over-the-counter" filing, but may be leased only in compliance with the drawing procedure established by 43 CFR 3112. Claude C. Kennedy, 12 IBLA 183 (1973); Duncan Miller, 19 IBLA 188 (1975).

[3] It is well established that reliance upon information furnished by a federal employee cannot estop the United States or confer upon an applicant for an interest in the public or acquired lands of the United States any rights not authorized by law. James H. Scott, 18 IBLA 55, 57, and cases cited therein. We accordingly find that appellant gained no rights by any information he received from the Eastern States Office.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Anne Poindexter Lewis  
Administrative Judge

We concur:

Martin Ritvo  
Administrative Judge

Edward W. Stuebing  
Administrative Judge

